



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,272	05/25/2001	Paul S. Zdinak	34013-00034USPT	5538

7590

07/24/2003

Gerald T. Welch, Esq.  
Jenkins & Gilchrist, P.C.  
Suite 3200  
1445 Ross Avenue  
Dallas, TX 75202-2799

EXAMINER

RAHLL, JERRY T

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/866,272

Applicant(s)

ZDINAK ET AL.

Examiner

Jerry T Rahll

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 1,4-10 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 2,3,11-16,21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings submitted have been reviewed and determined to facilitate understanding of the invention. The drawings are accepted as submitted.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,952,798 to Graham et al.
4. Graham et al. describe an optical jumper having a casing (13, 14) with an exposed end (15-20) and a connector end (29, 30) and an optical fiber (11) having a first connector (21) on a first end and a second connector (22) on a second end, where the first and second connectors extend out from the connector end. Graham et al. further describes a grip area (the raised portion of the casing located near the extension section 19) on the expose end of the casing (see Figures 2-3 and Column 5).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al.

8. Graham et al. describes an optical jumper as discussed above. Graham et al. does not specifically describe the connectors as approximately 1 inch apart or the inner bend radius of the optical fiber greater than approximately 0.4 inches. However, Graham et al. does describe the optical fiber as 5.5 inches long (see Col 5, Lns 66-67). An optical fiber of the shape shown in Figure 2 of Graham et al. having a length of 5.5 inches would result in the connectors being approximately 1 inch apart and a bend radius greater than approximately 0.4 inches. Therefore, it would have been obvious to one of ordinary skill in the art that the setup shown in Graham et al.'s Figure 2 would have the connector spacing of approximately 1 inch and an inner bend radius greater than approximately 0.4 inch.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,751,454 to MacDonald et al.

10. MacDonald et al. describes an optical add/drop system having a first WDM (2) with a first plurality of fiber optic lines carrying monochromatic signals and at least one first fiber optic line (1) carrying polychromatic signal, a second WDM (6) with a second plurality of fiber optic

Art Unit: 2874

lines carrying monochromatic signals and at least one second fiber optic line (7) carrying polychromatic signal and at least one optical jumper (BP) for connecting at least one first fiber optic lines to at least one of the second fiber optic lines for facilitating communication therebetween (see Figure 1B and Column 5).

11. MacDonald et al. does not specifically describe ports connected to the pluralities of fiber optic lines. However, the WDMs described exist as subsystems used in the larger system of a WBRN node (see Col 5 Ln 16- Col 6 Ln 5). Therefore, the WDMs have ports for connecting the various fiber optic input and output lines with other portions of the larger system. Therefore, it would have been obvious to one of ordinary skill in the art that the WDMs described by MacDonald et al. would include ports connected to the pluralities of fiber optic lines to allow for connection to other system parts.

12. Further, MacDonald does not specifically describe the optical jumper as having first and second connector attached to respective ends of a fiber. However, it is well-known in the art that connectors attached to fibers are the common and easiest way of directing a signal into and out of an optical fiber (as shown by U.S. Patent No. 5,109,983 to Malone et al.). Since there are no other components shown connected to the jumpers (BP), it would have been obvious to one of ordinary skill in the art to use a fiber with connectors on the ends to create the simplest and most common method of communicating the signal.

13. Claims 10 and 17-20 rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald et al. as applied to claim 9 above, and further in view of Graham et al., as applied to Claims 1, 4, 5, 7 and 8 above.

Art Unit: 2874

14. Mac Donald et al. does not describe the jumper having a casing with a connector end having the optical fiber connectors extend from the casing connector end. Further, MacDonald et al. does not describe the jumper casing having an exposed end with a grip.

15. Graham et al. describes an optical jumper having a casing with an exposed end having a grip and a connector end and an optical fiber having a first connector on a first end and a second connector on a second end, where the first and second connectors extend out from the connector end. Graham et al. further describes a grip area on an exposed end of the casing.

16. It would have been obvious to one of ordinary skill in the art that the Figures shown in Mac Donald et al. are only for conceptual communication and not meant as a schematic for physical design. Therefore, it would have been obvious to one of ordinary skill in the art that any known jumper, such as that described by Graham et al., could be used in the add/drop system described by MacDonald et al. to connect the WDMs.

***Allowable Subject Matter***

17. Claims 23-24 are allowed.

18. Claims 2-3, 11-16 and 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. Claims 2-3 and 15-16 describe the jumper having a magnet carried by the casing for engaging a sensor in a mounting device.

20. Claims 11-14 and 23-24 describe a sensor proximate at least one of the first group of ports and second group of ports for detecting a presence of an optical jumper.

Art Unit: 2874

21. Claim 21 describes the optical jumper as transmitting an optical signal with an optical loss of less than 0.75 dB.

22. Claim 22 describes an LED proximate at least one of the groups of ports for indicating the presence of an optical jumper.

***Conclusion***

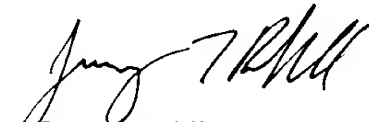
23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents Nos. 5,155,785 to Holland et al., 5,199,099 to Dalgoutte and 6,305,848 to Gregory describe method of connecting optical fibers.

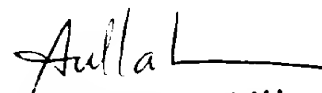
24. Prior art documents submitted by applicant in the Information Disclosure Statement filed on 18 March 2002 have all been considered and made of record (note the attached copy of form PTO-1449).

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (703) 306-0031. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Jerry T Rahll  
May 5, 2003

  
AKM ENAYET ULLAH  
PRIMARY EXAMINER